

Notice of Allowability

Application No.

10/025,000

Examiner

Omar Flores-Sánchez

Applicant(s)

PARSONS ET AL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/28/05.
2. ☒ The allowed claim(s) is/are 1-14, 16, 18-29, 31 and 32.
3. ☒ The drawings filed on 12/27/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas R. Vigil on 07/25/05.

The application has been amended as follows:

In claim 25, "17" has been replaced by "14".

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: Claims are allowable because Huang fails to teach a *connector pin* operatively *connecting* a first leg and a cutting blade and being slidably received in an elongated slot in a plate portion and the connector pin *causing movement* of the cutting blade as set forth in claims 1, 8 and 9.

Huang (5373639) teaches a cutting device, a plate portion 10 having top side, left and right sides and a slot 15, a transverse slit 12, a cutting blade 21, first and second legs 40, a shield portion 11, a cutting chamber 17, first and second legs are in an open position the cutting blade is in a retracted condition (see Fig. 3), first and second legs are moved into a closed position/fully closed position the blade is moved to the shield portion and a connecting/rolling element 26. However, Huang's rolling element 26 is *connected only* in the outer surface blade means 20 (see

Art Unit: 3724

col. 2, lines 9-11) in order to reducing the friction of the blade means inside head portion 10 and links members 30, 31 and 32 are the mechanism for *causing movement* of the cutting blade when the legs are moved to the closed position. Also, there is no motivation to replace Huang's rolling element for a pin because the function of the pin is to connect two parts, when the rolling element in this case is only for reducing the friction of the blade means inside head portion and the connection with the leg is performed by the links members.

Also, claims are allowable because Barrows (1066456) fails to teach a head member having a cutting chamber *between* a shield portion and a plate portion, when the shield portion having a cutting surface as set forth in claims 1, 8, 9, 14 and 26.

Barrows teaches a head member 1, a cutting chamber A1, a shield portion which is the area between a member A and a top end portion of the head member 1, a plate portion is the middle portion of the head member 1, a cutting surface which is the inside surface of the member A and transverse slit which is the space between the two head members 1 (see Fig. 3). However, Barrows's cutting chamber is located within the shield portion, instead of between the shield portion and the plate portion as set forth in claims 1, 8, 9, 14 and 26.

Claims are allowable because Barrows (1066456) fails to teach a first leg extension movable within a first leg and a second leg extension movable within a second leg.

Barrows teaches a head member 1, a cutting chamber A1, a shield portion which is the area between a member A and a top end portion of the head member 1, a first leg 7, a second leg 7, a cutting surface which is the inside surface of the member A and transverse slit which is the space between the two head members 1 (see Fig. 3). However, Barrows fails to teach a first leg

Art Unit: 3724

extension movable within a first leg and a second leg extension movable within a second leg as set forth in claim 21.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/31/05



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